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10 *Attorneys for Defendants*

11  
12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14  
15 RAEF LAWSON, in his capacity as  
Private Attorney General  
16 Representative,

17 Plaintiff,

18 v.

19 AMAZON.COM, INC. and  
AMAZON LOGISTICS, INC.,

20 Defendants.  
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Case No. 2:17-cv-02515-AB-RAO

**DEFENDANTS' NOTICE OF  
MOTION TO DISMISS, OR IN  
THE ALTERNATIVE, MOTION  
TO TRANSFER OR STAY**

Date: September 15, 2017  
Time: 10:00 a.m.  
Dept.: Courtroom 7B  
Hon. André Birotte Jr.

1           **TO THE UNITED STATES DISTRICT COURT FOR THE**  
 2           **CENTRAL DISTRICT OF CALIFORNIA AND TO PLAINTIFF AND**  
 3           **HIS ATTORNEY OF RECORD:**

4           **PLEASE TAKE NOTICE THAT** on September 15, 2017 at 10:00  
 5 a.m. (or as soon thereafter as the matter may be heard in Courtroom 7B of  
 6 the above-entitled Court), Defendants Amazon.com, Inc. and Amazon  
 7 Logistics, Inc. (together, “Defendants” and “Amazon”) will move the Court  
 8 for an order dismissing all claims of Plaintiff Iain Mack (“Plaintiff”) in favor  
 9 of the related and first filed *Rittmann, et al. v. Amazon.com, Inc. and*  
 10 *Amazon Logistics, Inc.*, Case No. 2:16-cv-01554-JCC (W.D. Wash.), class  
 11 and collective action currently pending in the Western District of  
 12 Washington (*Rittmann*). In the alternative, Defendants move for an order  
 13 transferring this matter to the Western District of Washington or staying this  
 14 action in its entirety.

15           This motion is made pursuant to the first-to-file rule of federal comity.  
 16 *See Pacesetter Sys, Inc. v. Medtronic, Inc.*, 678 F.2d 93, 94-95 (9th Cir.  
 17 1982); *Cedars-Sinai Med. Ctr. v. Shalala*, 125 F.3d 765, 769 (9th Cir. 1997).  
 18 Where, as here, an action is brought and there is another earlier filed case (or  
 19 here two earlier cases) alleging the same or similar claims on behalf of the  
 20 same or a similar class, principles of federal judicial comity compel  
 21 dismissal, a stay or transfer. *Id.*

22           This motion is made following the conference of counsel pursuant to  
 23 L.R.7-3 which took place on June 2, 2017. The foregoing motion is based  
 24 on this notice of motion, the accompanying memorandum of points and  
 25 authorities, the declaration of Kyle Bowers filed concurrently herewith and  
 26 all exhibits attached thereto, all pleadings and motions on file in this action,  
 27 and on such further written or oral argument as may be permitted by this  
 28 Court.

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Dated: August 16, 2017

MORGAN, LEWIS & BOCKIUS LLP  
John S. Battenfeld  
Christopher J. Banks  
Theresa Mak

By: /s/ Johh S. Battenfeld  
John S. Battenfeld  
Attorneys for Defendant